

REMARKS

In the non-final Office Action dated (mailed) September 7, 2006, the Examiner rejected all of the pending claims with the exception of Claim 66 which was objected to. As indicated above, Claim 50 has been extensively amended and Claim 60 has been amended to include the subject matter from objected to Claim 66. In addition, with the exception of dependent Claims 52, 53, 61 and 68 and independent Claims 50 and 60, all of the previously submitted claims including withdrawn Claim 65 have been canceled. Given that Claim 60 and Claim 61 depending from Claim 60 are now allowable, the only issue here involves Claim 50 and the Claims depending from Claim 50.

As indicated above, Claim 50 has been amended extensively in a number of different ways. First, it has been amended to include all of the subject matter of Claim 51. Second, Claim 50 has been amended to call for a flashlight capable of including both an incandescent light source and a solid state light source and, to that end, the language of depending Claim 64 has been incorporated into Claim 50, namely:

...wherein said housing is capable of receiving both said illumination assembly and an illumination assembly that includes an incandescent light source rather than a solid state light source, the latter assembly having been replaced by said former assembly.

In the most recent Office Action, the Examiner relied on Chun in view of Dubuc for the reasons recited in the Office Action and reference is made to those reasons. It suffices here to note that the Examiner acknowledged (among other things) that Chun (1) does not teach the light source having an underside base adjacent to and confronting the front surface of the PCB and (2) does not disclose an illumination assembly capable of retrofitting with an incandescent light source. The Examiner apparently relies on Dubuc to correct these deficiencies, arguably in an obvious manner.

For the reasons to follow, it is respectfully submitted that Claim 50, as amended, is clearly allowable over Chun in view of Dubuc. While Chun discloses a flashlight Dubuc discloses a SIDE PROJECTING LED SIGNAL, not a flashlight. Dubuc does not teach or suggest a flashlight capable of including both an incandescent light source and a solid state light source and certainly does not teach or suggest a housing capable of receiving both the claimed illumination assembly including a solid state light source and an illumination assembly that includes an incandescent light source rather than a solid state light source such that the latter assembly having been replaced by said former assembly, as required by Claim 50. Moreover, Chun does not teach or suggest this converted flashlight. Hence, it is submitted that Claim 50 and the claims depending from Claim 50 are allowable.

Respectfully submitted,
/Michael M. Pritzkau/
Michael M. Pritzkau
Reg. No. 37,913